

## **Chapter 1. INTRODUCTION**

### **1.1 Background**

This Draft Supplemental Environmental Document (DSED) presents the review and analysis necessary to assist the California Fish and Game Commission (Commission) in taking action regarding the regulation of the commercial harvest of herring in California. It was prepared by the Department of Fish and Game (Department) following the California Environmental Quality Act (CEQA) Guidelines.

The project being considered is the proposed changes to the regulations for the 2004-05 California Pacific herring commercial fishing season.

This DSED was prepared as a supplement to: (1) the Final Environmental Document (FED), Pacific Herring Commercial Fishing Regulations, certified by the Commission in August 1998; (2) the Final Supplemental Environmental Document (FSED), certified by the Commission in August 1999; (3) the FSED, certified by the Commission in August 2000; (4) the FSED, certified by the Commission in August 2001; and the FSED, certified by the Commission in August 2002. The FED outlines the full proposed project consisting of the operation and management of California's Pacific herring commercial fisheries.

The FSED of 1999, 2000, 2001, and 2002 provided for the revisions of the proposed project contained in the FED and regulatory revisions necessary for the 1999-2000, 2000-2001, 2001-02, and 2002-03 Pacific herring commercial fishing seasons, respectively. Environmental documents, DSED and FSED, were not prepared for the 2003-04 season. The Department at the conclusion of the 2002-03 season did not anticipate proposing regulations requiring the preparation of CEQA documents. This DSED supplements the existing certified environmental documents and provides revisions to the regulations for the 2004-05 Pacific herring commercial fishing season.

The Department and Commission hold the public trust for managing the State's wildlife populations, including herring. That responsibility is fulfilled by a staff

of experts in marine resource management and enforcement issues related to California's herring resource. The knowledge and training represented by that expertise qualifies them to perform the review and analysis of the proposed revisions of the commercial herring harvest regulations that are contained in this document.

## **1.2 The Functional Equivalent**

CEQA requires all public agencies in the State to evaluate the environmental impacts of projects that they approve or carry out. A Final Environmental Document for Pacific Herring Commercial Fishing Regulations was certified by the Commission on August 28, 1998. Section 1.2 of the FED provides an explanation of how the FED satisfies the required environmental assessment as mandated by CEQA. A new FED is required: (1) when subsequent changes are proposed in the project requiring important revisions of the previous FED due to new significant environmental impacts not considered in a previous FED; or (2) when new information of substantial importance to the project becomes available (CEQA Guidelines Section 15162, Public Resources Code Section 21166).

The CEQA lead agency may choose to prepare a supplement to a FED instead of a new FED if only minor additions or changes are necessary to make the previous FED adequately apply to the project in the changed situation. The draft supplemental document is given the same notice and public review given to a draft environmental document, and may be circulated by itself without the previous FED. When the agency decides whether to approve the project, the decision-making body considers the previous FED as revised by the supplemental environmental document (CEQA Guidelines Section 15163). A Notice of Preparation (NOP) for this DSED was circulated to interested parties on April 9, 2004. Following its release, a 45-day public comment period for this DSED will end August 12, 2004, as explained in the enclosed Notice of Availability (NOA).

This DSED is the fifth Supplemental Environmental Document (SED) to the FED prepared by the Department. The first FSED was certified by the Commission in August 1999; the second FSED was certified by the Commission in August 2000,

the third FSED was certified by the Commission in August 2001, and the fourth FSED certified by the Commission in August 2002. As provided for by CEQA, the Department will continue to use this method of revising sections 163, 163.5, and 164, Title 14, CCR for a period of approximately five to ten years. After this period, or sooner if deemed necessary, the Department will prepare a new environmental document.

### **1.3 Scoping Process**

The Department invited interested parties to an in-season public meeting held on January 22, 2004 in San Francisco, San Francisco County, a Director's Herring Advisory Committee (DHAC)<sup>1</sup> Meeting on March 25, 2004 in San Francisco, two public meetings on April 13, 2004, one in Bodega Bay, Sonoma County, and the other in Sausalito, Marin County, and a DHAC meeting on April 30, 2004 in Sausalito to receive input on the proposed project and the content of the DSED. The Department also distributed a NOP to interested parties on April 9, 2004. This provided an opportunity for the concerns of responsible agencies and citizens to be addressed in the DSED.

### **1.4 Report Availability**

This DSED Document is available at depository libraries for each of the counties in the affected areas, at the California Fish and Game Commission office, and California Department of Fish and Game Marine Region offices.

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<sup>1</sup> The DHAC consists of 26 representatives from the herring fishery, including buyers and fishermen. They are appointed by the Director and serve at his or her pleasure.

### **1.5 Authorities and Responsibilities**

The California State Legislature formulates the laws and policies regulating the management of fish and wildlife in California. It is the policy of the State to ensure the conservation, sustainable use, and where feasible, the restoration of California's living marine resources for the benefit of all the citizens of the State (Section 7050, California Fish and Game Code). It is also the State's policy to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the State (Section 1700, California Fish and Game Code, Appendix 1 of the FED).

The Legislature provides further policy direction regarding herring management in Sections 8550 through 8559, California Fish and Game Code. The State Legislature delegated authority to the Commission, whose members are appointed by the Governor, to regulate the commercial harvest and possession of Pacific herring (Section 8553, California Fish and Game Code). The remaining code sections provide for a limited entry fishery and require periodic review of regulations and policies.

The Commission holds public meetings at its discretion to consider and adopt revisions to these regulations. Recommendations and comments from the Department, other agencies and the public are typically received at two public meetings each year prior to the Pacific herring commercial fishing season. These meetings will be held for the 2004-05 season on June 24, 2004 in Crescent City and August 27, 2004 in Morro Bay.

The authority to prepare a supplemental environmental document is given in Section 21166 of the Public Resources Code.